

REMARKS

STATUS OF THE CLAIMS

Claims 14-24 are pending in the application.

Claims 14-20, 23, and 24 are rejected under 35 U.S.C. 101.

Claims 14-24 are rejected under 35 U.S.C. 103(a) as obvious over Yoshida et al. (U.S. Patent No. 6,130,757) in view of Niwa et al. (U.S. Patent No. 6,594,737 B2).

According to the foregoing, the claims are amended, and thus the pending claims remain for reconsideration, which is respectfully requested.

No new matter has been added.

INFORMATION DISCLOSURE STATEMENT

The Office Action asserts copy of the English translation of the German office action dated September 25, 2003 listed in the present application IDS of November 26, 2003 is not in the USPTO record. However, it is believed a copy of the same was provided in the parent application Serial No. 09/360,520 as evidenced by the USPTO stamped postcard of the parent application IDS of November 25, 2003 (copy provided). The German Office Action was timely cited in compliance with 37 CFR 1.97 and 1.98 in the present application IDS of November 26, 2003, however, a copy thereof can be omitted pursuant to 37 CFR § 1.98(d). Another copy of the German Office Action and its English translation is resubmitted herein as a supplemental IDS for the Examiner's convenience, entry and consideration of which is respectfully requested.

DRAWINGS

The drawings are objected to under 37 CFR 1.83(a), because the drawings must show every feature of the invention specified in the claims. However, FIG. 2 expressly discloses each computer server function recited in the claims and complies with 37 CFR 1.83 (a), as evidenced by the previous Amendment remarks expressly identifying FIG. 2 computer server functions and corresponding claim language.

In particular, all functional detail of the computer server 40 that is essential for a proper understanding of the disclosed invention is shown in all of the drawings, for example, in FIGs. 2-5, as follows:

For example, FIG. 2 expressly shows the claimed functions of "a plurality of functions that perform processing to a document" as rectangular boxes 44-48, such as fax, print, etc.

FIG. 2 shows the claimed function of "an operation manager receiving a function request from at least one of the multifunction machines and activating a request processor communicating with the multifunction machine based upon the function request" as the rectangular box 41 ('parent operation management section'), which shows to be in communication with a composite machine and child processing section 42 as the claimed "operation manager ... activating a request processor (42) communicating with the multifunction machine based upon the function request."

Further, FIG. 2 'child processing sections' 42 realize the claimed "a plurality of request processing units that processors each upon the activating by the operation manager communicate with any of the plurality of functions and the multi-function machine, and cause one of the plurality of functions to perform the document a processing to document data received from the multi-function machine according to a function request from the multifunction machine, wherein the activated request processor ; an assigning unit that assigns one of the request processing units to a multifunction machine based on a connection request for the function request from the multifunction machine, and sends a completion-of-assignment notification assigning the request processor to the multifunction machine and indicating that processing of the function request is possible, and possible; an assignment canceling unit that cancels the assignment of the one request processing unit processor to the multifunction machine, when a command of the requested function pertaining to the function request is not received from the assigned multifunction machine within a predetermined amount of time," as also described in the specification page 32, lines 13-24, page 43, lines 11-19 and page 46, lines 2-12.

FIG. 2, rectangular boxes 48 'charging management section' that manages "utilization situation information ...", and charging inf. 49, FIGS. 23-24, show claims 18-20 features, as also described in page 34, line 24 to page 35, line 11, page 56, lines 26 to page 62, line 2.

FIG. 2, rectangular box 49 'information storing section' and FIGS. 3-5 and page 30 show claim 24 features.

Accordingly, the drawings comply with 37 CFR 1.83(a) and the objection are hereby traversed as a complete reply to the drawing objections. Withdrawal of the drawing objections is respectfully requested.

35 USC 101 REJECTION

Claims 14-20, 23, and 24 are rejected under 35 U.S.C. 101 for allegedly being directed to non-statutory subject matter, because the elements are allegedly software void of computer readable medium. According to the forgoing, the claims are amended taking into consideration the Examiner comments. 35 USC 101 requires whether the claims fall under one of the enumerated statutory subject matter categories of a process, machine, manufacture, or composition of matter. The independent claims 14 and 24 fall under the "machine" statutory subject matter category by reciting "14. (CURRENTLY AMENDED) A computer server connected with a plurality of multifunction machines via a network, the computer server comprising ..." In other words, a "computer server" is a 'machine' expressly falling under one of the 35 USC 101 subject matter categories. For example, the present specification page 1, lines 5-16 and page 29, lines 23-28 support the claimed embodiments. Further, functions or operations performed by the claimed "computer server" as a machine may be implemented in software and/or computing hardware.

In view of the claim amendment, withdrawal of the 35 USC 101 rejection is respectfully requested.

PRIOR ART REJECTIONS

For example, the present application FIG. 2, 'parent operation management sec.' 41 and page 32, lines 2-12, page 42, and page 43, lines 11-19 support the claim amendments.

For example, the present application page 32, lines 13-24, page 42 and page 46, lines 2-12 and FIG. 2 'child processing sec.' 42, which is in communication with the 'functions' 44-48 and in communication with composite machine, support the claim language "a plurality of request ~~processing units that processors~~ each upon the activating by the operation manager communicate with any of the plurality of functions and the multi-function machine, and cause one of the plurality of functions to perform ~~the document a processing to document data received from the multi-function machine~~ according to ~~athe~~ function request from the multifunction machine, wherein the activated request processor ; ~~an assigning unit that assigns one of the request processing units to a multifunction machine based on a connection request for the function request from the multifunction machine, and sends a completion-of-assignment notification assigning the request processor to the multifunction machine and indicating that processing of the function request is possible, and~~ possible; ~~an assignment canceling unit that cancels the assignment of the one request processing unitprocessor~~ to the multifunction

machine, when a command ~~of the requested function~~ pertaining to the function request is not received from the assigned multifunction machine within a predetermined amount of time."

In Yoshida a copying machine acts as a server, differing from the claimed embodiment in which a server is provided separately from a multifunction machine. The Examiner only relies upon Niwa for contending Niwa discloses the claimed server to multifunction machine configuration, but otherwise the rejections of the patentably distinguishing features of the claimed computer server are based upon Yoshida.

The Office Action item 11 relies upon Yoshida's jobs to reject the claimed embodiments. The Office Action relies upon Yoshida column 3, lines 2-7 and column 9, lines 66-67 and FIG. 16 and column 10, line 50 to column 11, line 7 and column 17, lines 24-44. Although Yoshida is configured to assign each function, in Yoshida the functions are assigned as jobs, and Yoshida's job assignment is substantially different from the claimed embodiments, in which "a request processor" is activated and assigned to a multifunction machine. In other words, a prima facie case of obviousness based upon Yoshida's jobs cannot be established, because Yoshida's jobs are not assigned to a multifunction machine but merely perform a job. Yoshida's jobs fail to disclose either expressly or implicitly the claimed an operation manager receiving a function request from at least one of the multifunction machines and activating a request processor communicating with the multifunction machine based upon the function request, and a plurality of request processing units that processors each upon the activating by the operation manager communicate with any of the plurality of functions and the multi-function machine, ... wherein the activated request processor sends a completion-of-assignment notification assigning the request processor to the multifunction machine and cancels the assignment of the one-request processing unitprocessor to the multifunction machine, when a command of the requested functionpertaining to the function request is not received from the assigned multifunction machine within a predetermined amount of time." In other words, Yoshida does not expressly disclose the claimed "operation manager ... activating a request processor communicating with the multifunction machine based upon the function request ... a plurality of request processing units that processors each upon the activating by the operation manager communicate with any of the plurality of functions and the multi-function machine" and Yoshida does not implicitly disclose the claimed embodiment, because there is no evidence that one skilled in the art would modify Yoshida's jobs to function as a request processor that

communicates with both a server function and a multi-function machine.

Further, the Examiner interprets that cancellation of the assignment of the current job in Yoshida, which is performed simply for allowing a higher priority job to be performed, is similar to the claimed assignment cancelling. However, in the claimed embodiments, a condition for cancelling the assignment is different from Yoshida, because the cancellation is based upon whether "**the function request is not received from the assigned multifunction machine within a predetermined amount of time.**"

Further, Niwa fails to disclose, either expressly or implicitly, the claimed embodiments and there is no evidence that one skilled in the art would combine Niwa with Yoshida and modify either or the combined system to achieve the claimed "**operation manager ... activating a request processor communicating with the multifunction machine based upon the function request ... a plurality of request processing units that processors each upon the activating by the operation manager communicate with any of the plurality of functions and the multi-function machine ... wherein the activated request processor sends a completion-of-assignment notification assigning the request processor to the multifunction machine and cancels the assignment of the one-request processing unitprocessor to the multifunction machine, when a command of the-requested functionpertaining to the function request is not received from the assigned multifunction machine within a predetermined amount of time.**"

In view of the foregoing, it is believed the claims are in condition for allowance over Yoshida and Niwa.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 10/721,512

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,
STAAS & HALSEY LLP

Date: September 17, 2007

By: /Mehdi D. Sheikerz/
Mehdi D. Sheikerz
Registration No. 41,307

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501